

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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M2BM INVESTMENTS LP, a
California Limited
Partnership,

Plaintiff,

v.

EXMOORE FINANCIAL CREDIT CO.
LTD., an English Corporation,
and DOES 1- 25,

Defendants.

No. 2:22-cv-01165 WBS DB

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for November 7, 2022, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

All defendants have been served, and no further service

1 is permitted without leave of court, good cause having been shown
2 under Federal Rule of Civil Procedure 16(b).

3 II. JOINDER OF PARTIES/AMENDMENTS

4 No further joinder of parties or amendments to
5 pleadings will be permitted except with leave of court, good
6 cause having been shown under Federal Rule of Civil Procedure
7 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
8 (9th Cir. 1992).

9 III. JURISDICTION/VENUE

10 Jurisdiction in this contract dispute is predicated
11 upon 28 U.S.C. § 1332, because the parties are of diverse
12 citizenship and the amount in controversy exceeds \$75,000. Venue
13 is undisputed and hereby found to be proper.

14 IV. DISCOVERY

15 The parties agree to serve the initial disclosures
16 required by Federal Rule of Civil Procedure 26(a)(1) on or before
17 November 18, 2022.

18 The parties shall disclose experts and produce reports
19 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
20 later than December 18, 2023. With regard to expert testimony
21 intended solely for rebuttal, those experts shall be disclosed
22 and reports produced in accordance with Federal Rule of Civil
23 Procedure 26(a)(2) on or before January 16, 2024.

24 All discovery, including depositions for preservation
25 of testimony, is left open, save and except that it shall be so
26 conducted as to be completed by February 12, 2024. The word
27 "completed" means that all discovery shall have been conducted so
28 that all depositions have been taken and any disputes relevant to

1 discovery shall have been resolved by appropriate order if
2 necessary and, where discovery has been ordered, the order has
3 been obeyed. All motions to compel discovery must be noticed on
4 the magistrate judge's calendar in accordance with the local
5 rules of this court and so that such motions may be heard (and
6 any resulting orders obeyed) not later than February 12, 2024.

7 V. MOTION HEARING SCHEDULE

8 All motions, except motions for continuances, temporary
9 restraining orders, or other emergency applications, shall be
10 filed on or before April 1, 2024. All motions shall be noticed
11 for the next available hearing date. Counsel are cautioned to
12 refer to the local rules regarding the requirements for noticing
13 and opposing such motions on the court's regularly scheduled law
14 and motion calendar.

15 VI. FINAL PRETRIAL CONFERENCE

16 The Final Pretrial Conference is set for June 17, 2024,
17 at 1:30 p.m. in Courtroom No. 5. The conference shall be
18 attended by at least one of the attorneys who will conduct the
19 trial for each of the parties and by any unrepresented parties.

20 Counsel for all parties are to be fully prepared for
21 trial at the time of the Pretrial Conference, with no matters
22 remaining to be accomplished except production of witnesses for
23 oral testimony. Counsel shall file separate pretrial statements,
24 and are referred to Local Rules 281 and 282 relating to the
25 contents of and time for filing those statements. In addition to
26 those subjects listed in Local Rule 281(b), the parties are to
27 provide the court with: (1) a plain, concise statement which
28 identifies every non-discovery motion which has been made to the

1 court, and its resolution; (2) a list of the remaining claims as
2 against each defendant; and (3) the estimated number of trial
3 days.

4 In providing the plain, concise statements of
5 undisputed facts and disputed factual issues contemplated by
6 Local Rule 281(b)(3)-(4), the parties shall emphasize the claims
7 that remain at issue, and any remaining affirmatively pled
8 defenses thereto.

9 VII. TRIAL SETTING

10 Both sides request a bench trial. The matter is
11 accordingly set for trial without a jury on August 13, 2024 at
12 9:00 a.m. The parties estimate that the trial will last two
13 days.

14 VIII. SETTLEMENT CONFERENCE

15 A Settlement Conference with a magistrate judge will be
16 set at the time of the Pretrial Conference. Counsel are
17 instructed to have a principal with full settlement authority
18 present at the Settlement Conference or to be fully authorized to
19 settle the matter on any terms. At least seven calendar days
20 before the Settlement Conference counsel for each party shall
21 submit a confidential Settlement Conference Statement for review
22 by the settlement judge. The Settlement Conference Statements
23 shall not be filed and will not otherwise be disclosed to the
24 trial judge.

25 IX. MODIFICATIONS TO SCHEDULING ORDER

26 Any requests to modify the dates or terms of this
27 Scheduling Order, except requests to change the date of the
28 trial, may be heard and decided by the assigned Magistrate Judge.

1 All requests to change the trial date shall be heard and decided
2 only by the undersigned judge.

3 IT IS SO ORDERED.

4 Dated: November 1, 2022



5 **WILLIAM B. SHUBB**

6 **UNITED STATES DISTRICT JUDGE**
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